

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0333.01 Jery Payne x2157

HOUSE BILL 26-1286

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A COMMERCIAL MOTOR VEHICLE**
102 **HAVE A HUMAN PRESENT WHEN THE COMMERCIAL MOTOR**
103 **VEHICLE IS BEING DRIVEN BY AN AUTOMATED DRIVING SYSTEM,**
104 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits using an automated driving system to drive a commercial motor vehicle unless an individual who holds a commercial driver's license is in the vehicle, monitors the vehicle's driving, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

intervenes, if necessary, to avoid illegal or unsafe driving. If the commercial vehicle is transporting hazardous materials, the individual must be in the driver's seat. The penalty is \$1,000 for a first offense, is \$2,000 for a second offense, and doubles for each subsequent offense.

The bill does not apply to a light-duty vehicle or a truck-mounted attenuator.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-242, **amend** (1)
3 as follows:

4 **42-4-242. Automated driving systems - safe harbor.**

5 (1) SUBJECT TO SECTION 42-2-410, a person may use an automated
6 driving system to drive a motor vehicle or to control a function of a motor
7 vehicle if the system is capable of complying with every state and federal
8 law that applies to the function that the system is operating.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 42-2-410 as
10 follows:

11 **42-2-410. Automated driving systems for commercial motor**
12 **vehicles - exceptions - definitions - repeal.**

13 (1) A PERSON SHALL NOT USE AN AUTOMATED DRIVING SYSTEM ON
14 A HIGHWAY TO DRIVE A COMMERCIAL MOTOR VEHICLE THAT HAS A
15 MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS
16 COMBINATION WEIGHT RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR
17 MORE UNLESS AN INDIVIDUAL WHO HOLDS THE APPROPRIATE COMMERCIAL
18 DRIVER'S LICENSE WITH ANY REQUIRED ENDORSEMENT FOR THE
19 COMMERCIAL VEHICLE:

20 (a) IS PHYSICALLY PRESENT IN THE CAB OF THE COMMERCIAL
21 MOTOR VEHICLE AND PREPARED TO INTERVENE, IF NECESSARY, TO AVOID
22 ILLEGAL OR UNSAFE DRIVING OF THE COMMERCIAL MOTOR VEHICLE;

1 (b) IS SEATED IN THE DRIVER'S SEAT OF THE COMMERCIAL MOTOR
2 VEHICLE IF HAZARDOUS MATERIALS ARE BEING TRANSPORTED;

3 (c) MONITORS THE PERFORMANCE OF THE COMMERCIAL MOTOR
4 VEHICLE WHILE DRIVING ON THE ROADWAY; AND

5 (d) INTERVENES, IF NECESSARY, TO AVOID ILLEGAL OR UNSAFE
6 DRIVING OF THE COMMERCIAL MOTOR VEHICLE.

7 (2) THIS SECTION DOES NOT AFFECT THE DUTY OF A PERSON TO
8 COMPLY WITH PART 3 OF ARTICLE 20 OF THIS TITLE 42.

9 (3) A PERSON THAT VIOLATES THIS SECTION COMMITS A CLASS A
10 TRAFFIC INFRACTION AND IS SUBJECT TO:

11 (a) A PENALTY OF ONE THOUSAND DOLLARS AND A SURCHARGE OF
12 ONE HUNDRED FIFTY DOLLARS FOR A FIRST CONVICTION;

13 (b) A PENALTY OF TWO THOUSAND DOLLARS AND A SURCHARGE OF
14 ONE HUNDRED FIFTY DOLLARS FOR A SECOND CONVICTION; OR

15 (c) (I) A SURCHARGE OF ONE HUNDRED FIFTY DOLLARS; AND

16 (II) A PENALTY THAT DOUBLES THE PENALTY DESCRIBED IN
17 SUBSECTION (3)(b) OF THIS SECTION FOR EACH SUBSEQUENT CONVICTION
18 AFTER THE SECOND CONVICTION.

19 (4) THIS SECTION DOES NOT APPLY TO A LIGHT-DUTY VEHICLE OR
20 A TRUCK-MOUNTED ATTENUATOR.

21 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "COMMERCIAL MOTOR VEHICLE" HAS THE SAME MEANING AS
24 "COMMERCIAL VEHICLE" AS SET FORTH IN SECTION 42-4-235 (1)(a).

25 (b) "TRUCK-MOUNTED ATTENUATOR" MEANS A HEAVY-DUTY
26 TRUCK FITTED WITH AN ENERGY-ABSORBING CRASH DEVICE THAT ACTS AS
27 A MOBILE BARRIER TO BE THE FIRST POINT OF CONTACT IN A REAR-END

1 COLLISION AND THAT IS USED TO PROTECT PERSONNEL IN A HIGHWAY
2 CONSTRUCTION OR MAINTENANCE ZONE.

3 (6) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.

4 (b) THE CHIEF OF THE COLORADO STATE PATROL SHALL ANALYZE
5 THIS SECTION'S EFFECTS ON COMMERCIAL VEHICLE SAFETY ON HIGHWAYS.
6 BY NOVEMBER 1, 2030, THE CHIEF OF THE COLORADO STATE PATROL
7 SHALL, BASED ON THE REVIEW, ISSUE A REPORT TO THE HOUSE OF
8 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT
9 COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE,
10 OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST MAKE
11 RECOMMENDATIONS AS WHETHER TO CONTINUE THIS SECTION, AND, IF THE
12 RECOMMENDATION IS TO CONTINUE THIS SECTION, ANY RECOMMENDED
13 LEGISLATION TO IMPROVE THIS SECTION.

14 ■ ■ ■

15 **SECTION 3. Appropriation.** For the 2026-27 state fiscal year,
16 \$14,357 is appropriated to the department of revenue. This appropriation
17 is from the Colorado DRIVES vehicle services account in the highway
18 users tax fund created in section 42-1-211 (2), C.R.S. To implement this
19 act, the department may use this appropriation as follows:

20 (a) \$10,400 for DRIVES maintenance and support;

21 (b) \$984 for use by the division of motor vehicles for personal
22 services related to driver services;

23 (c) \$1,353 for use by the executive director's office for personal
24 services related to administration and support; and

25 (d) \$1,620 for payments to OIT.

26 **SECTION 4. Applicability.** This act applies to offenses
27 committed on or after the effective date of this act.

1 **SECTION 5. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions.